

By: Rodriguez

H.B. No. 437

A BILL TO BE ENTITLED

AN ACT

relating to manufacturers' inclusion of denatonium benzoate in certain products containing ethylene glycol.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 501, Health and Safety Code, is amended by adding Section 501.0234 to read as follows:

Sec. 501.0234. DENATONIUM BENZOATE ADDITIVE REQUIREMENT FOR CERTAIN PRODUCTS CONTAINING ETHYLENE GLYCOL. (a) This section applies to a product to be sold as antifreeze or engine coolant that:

(1) contains an ethylene glycol concentration greater than 10 percent by volume; and

(2) is manufactured after January 1, 2013.

(b) A manufacturer of a product described by Subsection (a) may not distribute the product for sale in this state unless the product includes denatonium benzoate in an amount of not less than 30 parts per million and not more than 50 parts per million by weight.

(c) A manufacturer of a product described by Subsection (a) shall:

(1) maintain a record of the trade name, scientific name, and active ingredients of the denatonium benzoate additive used to comply with Subsection (b); and

(2) on request, make the record available to the

1 public.

2 (d) Subject to Subsection (e), a manufacturer, processor,
3 distributor, recycler, or seller of a product described by
4 Subsection (a) that includes denatonium benzoate in the
5 concentrations required by Subsection (b) is not liable to any
6 person for any personal injury, death, property damage, damage to
7 the environment, including natural resources, or economic loss that
8 results from the inclusion of denatonium benzoate in the product.

9 (e) The limitation on liability provided by Subsection (d)
10 does not apply to the extent that the cause of the liability is
11 unrelated to the inclusion of denatonium benzoate in a product
12 described by Subsection (a).

13 (f) A political subdivision of this state may not adopt or
14 enforce an ordinance, regulation, or policy that is inconsistent
15 with or more restrictive than this section.

16 (g) This section does not apply to the sale of:

17 (1) a motor vehicle that contains a product described
18 by Subsection (a); or

19 (2) a container sold at wholesale that contains 55
20 gallons or more of antifreeze or engine coolant.

21 SECTION 2. A manufacturer is required to comply with
22 Section 501.0234, Health and Safety Code, as added by this Act, only
23 after January 1, 2013.

24 SECTION 3. This Act takes effect September 1, 2011.